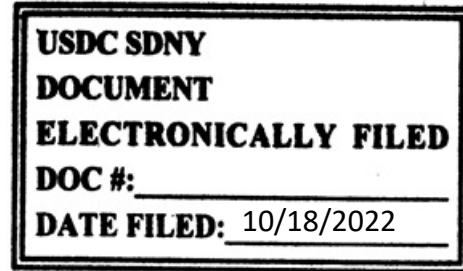


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
RICHARD MEJIA, Individually, and  
on behalf of himself and all others  
similarly situated,

Plaintiff,

22-CV-5794 (PGG) (KHP)

-against-  
THE TREE CENTER LLC,

**ORDER**

Defendant.  
-----X

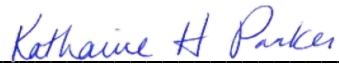
**KATHARINE H. PARKER, United States Magistrate Judge:**

On September 15, 2022, the parties requested that the Court approve a proposed schedule for amending and answering the Complaint (ECF No. 13), and I granted the request (ECF No. 14). Pursuant to that order, the Amended Complaint was due on September 21, 2022 and the response is due on October 21, 2022. These dates remain in effect. However, I also approved a proposed schedule for briefing a Motion to Dismiss. In doing so, I inadvertently overlooked the Individual Rules of Hon. Paul G. Gardephe, which require that if Defendant seeks to move to dismiss the Amended Complaint, Defendant must file a pre-motion letter before Judge Gardephe. This requirement was made clear by Judge Gardephe in his order at ECF No. 12.

The Court now clarifies that the Order at ECF No. 14 does not excuse the parties from abiding by Judge Gardephe's requirement to file a pre-motion letter addressed to him in advance of any Motion to Dismiss. The Motion to Dismiss briefing schedule adopted at ECF No. 14 is no longer in effect. Any briefing schedule on any Motion to Dismiss will be set if and when Judge Gardephe permits Defendant to file such a motion.

**SO ORDERED.**

DATED: New York, New York  
October 18, 2022

  
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KATHARINE H. PARKER  
United States Magistrate Judge